## LEWIS **Z** JOHS

Lewis Johs Avallone Aviles, LLP

Counsellors at Law

Via Fax: 914-390-4179 and Regular Mail

September 20, 2007

MEMO ENDERSED

Hon. Stephen C. Robinson United States District Court Southern District of New York 300 Quarropas Street, Room 633 White Plains, New York 10601

Re: McCormick v. Kari-Out, Inc.

07-CV- 7244

Dear Honorable Sir:

This law firm has recently been retained to represent the defendant, Kari-Out, Inc., in the place and stead of the law firm of Hinshaw & Culbertson., LLP. This substitution is on the consent of the parties. As of this time, however, we have not received the executed consent to change attorney from outgoing defense counsel. The consent to change attorney has been forwarded to all counsel, and once received, we will submit same for the Court's approval.

I have spoken with plaintiff's counsel, who advised that a scheduling order is due on Friday, September 21, 2007. Inasmuch as we have not received the executed consent to change attorney, or the file contents from outgoing counsel, I respectfully request an extension of time to submit that order until October 3, 2007. I have spoken with plaintiff's counsel, who has consented to this request.

Thank you for your consideration in this matter.

Respectfully submitted,

Jason T. Katz (4674) <u>itkatz@lewisjohs.com</u> JTK/jc

cc:

Hinshaw & Culbertson, LLP Outgoing Attorney Via Fax: 212-935-1166

Stephanie Vogel, Esq. Attorney for Plaintiff Via Fax: 212-884-8695 **APPLICATION GRANTED** 

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HON. STEPHEN C. ROBINSION 9/2/2

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